

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
 US Department of Commerce
 United States Patent and Trademark
 Office, PCT
 2011 South Clark Place Room
 CP2/5C24
 Arlington, VA 22202
 ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 05 June 2001 (05.06.01)	
International application No. PCT/AU00/01070	Applicant's or agent's file reference P17522PCAU
International filing date (day/month/year) 08 September 2000 (08.09.00)	Priority date (day/month/year) 09 September 1999 (09.09.99)
Applicant GRAF, Leslie, Gary et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

06 April 2001 (06.04.01)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Nestor Santesso Telephone No.: (41-22) 338.83.38
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INTERNATIONAL SEARCH REPORT

International application No.

PCT/AU 00/01070

A. CLASSIFICATION OF SUBJECT MATTER

Int Cl⁷: H04B 7/005; H04L 29/02

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC H04B 3/IC, H04B 7/IC, H04Q7/IC, H04L 29/IC

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched
AU: IPC as above

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
WPAT & INSPEC: (TRANSMIT or DATA or COMMUNICAT+ or INFORMATION) and (RATE? or BAUD? or SPEED or BPS or MAX+ or PEAK+ or HIGH+ or FAST+ or OPTIM+) and (CONTROL+ or SET+) and (NETWORK or PLATFORM) and (NODE? or POINT?) or (TERMINAL? or ENDPOINT? or INTERFACE) and (COMPAR+ or AUTHORI+)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	EP 0812083 A (NIPPON TELEGRAPH AND TELEPHONE CORPORATION) 10 December 1997 whole Document	1 - 42
P,X	CA 2272221 A (SAMSUNG ELECTRONICS CO. LTD) 25 November 1999 whole Document	1 - 42
A	FR 2671250 A (THOMSON-CSF) 3 July 1992 whole document	1 - 42

☒ Further documents are listed in the continuation of Box C

☒ See patent family annex

<p>* Special categories of cited documents:</p>	
"A" Document defining the general state of the art which is not considered to be of particular relevance	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"E" earlier application or patent but published on or after the international filing date	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"O" document referring to an oral disclosure, use, exhibition or other means	"&" document member of the same patent family
"P" document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search
11 October 2000

Date of mailing of the international search report
1 NOV 2000

Name and mailing address of the ISA/AU
AUSTRALIAN PATENT OFFICE
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Authorized officer

JUZER KHANBHAI
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INTERNATIONAL SEARCH REPORT

International application No.
PCT/AU 00/01070

C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 5 657 322 A (HUG) 12 August 1997 whole document	1 - 42
A	WO 97/39593 A (TELEFONAKTIEBOLAGET LM ERICSSON) 23 October 1997 whole document	1 - 42

INTERNATIONAL SEARCH REPORT

International Application No.

PCT/AU 00/01070

Box I Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:

2. ☒ Claims Nos.: 43 & 44
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
The specification includes background art and known protocols and methods which would all be within the scope of these claims.

3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a)

Box II Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:

4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Patent Document Cited in Search Report				Patent Family Member			
EP	0812083	JP	9046354	US	6046983	WO	9705724
		JP	9074414	JP	9083539	JP	9107364
		JP	9130395				
CA	2272221	NONE					
FR	2671250	NONE					
US	5657322	AU	20526/95	AU	698993	CA	2151192
		EP	687125	JP	8051444	US	5657322
WO	9739593	AU	26556/97	BR	9708688	EP	894408
		US	5822700				

PATENT COOPERATION TREATY

From the:
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

WATERMARK PATENT & TRADEMARK
ATTORNEYS
Locked Bag 5
HAWTHORN VIC 3122

PCT NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
day/month/year **13 JUL 2001**

Applicant's or agent's file reference
P17522PCAU RCS/AJL/MBL

IMPORTANT NOTIFICATION

International Application No.
PCT/AU00/01070

International Filing Date
8 September 2000

Priority Date
9 September 1999

Applicant
TELEFONAKTIEBOLAGET L M ERICSSON et al

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translations to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide

Name and mailing address of the IPEA/AU

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PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P17522PCAU RCS/AJL/MBL	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. PCT/AU00/01070	International Filing Date (<i>day/month/year</i>) 8 September 2000	Priority Date (<i>day/month/year</i>) 9 September 1999
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ H04B 7/005; H04L 29/02		
Applicant TELEFONAKTIEBOLAGET L M ERICSSON et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of **5** sheets, including this cover sheet.
☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
These annexes consist of a total of sheet(s).

3. This report contains indications relating to the following items:

- | | | |
|------|-------------------------------------|---|
| I | <input checked="" type="checkbox"/> | Basis of the report |
| II | <input type="checkbox"/> | Priority |
| III | <input checked="" type="checkbox"/> | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| IV | <input type="checkbox"/> | Lack of unity of invention |
| V | <input checked="" type="checkbox"/> | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| VI | <input checked="" type="checkbox"/> | Certain documents cited |
| VII | <input type="checkbox"/> | Certain defects in the international application |
| VIII | <input type="checkbox"/> | Certain observations on the international application |

Date of submission of the demand 6 April 2001	Date of completion of the report 10 July 2001
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer JUZER KHANBHAI Telephone No. (02) 6283 2176

I. Basis of the report

1. With regard to the elements of the international application:*
- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,
 pages , filed with the demand,
 pages , received on with the letter of
- ☐ the claims, pages , as originally filed,
 pages , as amended (together with any statement) under Article 19,
 pages , filed with the demand,
 pages , received on with the letter of
- ☐ the drawings, pages , as originally filed,
 pages , filed with the demand,
 pages , received on with the letter of
- ☐ the sequence listing part of the description:
 pages , as originally filed
 pages , filed with the demand
 pages , received on with the letter of
2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language which is:
- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).
3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:
- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished
4. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.
5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be nonobvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos: 43 and 44

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for said claim Nos. 43 and 44

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims 1-42	YES
	Claims -	NO
Inventive step (IS)	Claims 1-42	YES
	Claims -	NO
Industrial applicability (IA)	Claims 1-42	YES
	Claims -	NO

2. Citations and explanations (Rule 70.7)

- EP 812083 A (NIPPON TELEGRAPH AND TELEPHONE CORPORATION)

Claims 1-42: The invention defined by the claims relate to a telecommunication system wherein a functionality is introduced that provides a communication rate for transmission based on a selection of the lowest maximum transmission rate in the communication. Also, see the indication contained in Box VI "Certain documents cited".

No individual citation or obvious combination of citations disclose the above features of the claims.

VI. Certain documents cited**1. Certain published documents (Rule 70.10)**

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
P,A CA 2272221	25 November 1999	18 May 1999	25 May 1998

The above document does not disclose all of the features of the all the claims.

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)
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